

1 UNITED STATES DISTRICT COURT

2 CENTRAL DISTRICT OF CALIFORNIA

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4 THE HONORABLE DALE S. FISCHER

5 UNITED STATES DISTRICT JUDGE PRESIDING

6  
7 United States of America, )

8 Plaintiff, )

9 )

10 vs. ) CR 11-841-DSF

11 )

12 Robert Glenn Johns and Jason )

13 Knoles, )

14 Defendants. )

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18 REPORTER'S TRANSCRIPT OF PROCEEDINGS

19 *Change of Pleas*

20 Los Angeles, California

21 Thursday, January 26, 2012

22 Pamela A. Batalo, CSR, FCRR, RMR  
23 Official Reporter  
24 Roybal Federal Building  
25 255 East Temple Street  
Room 181-I  
Los Angeles, California 90012  
(213) 687-0446

1 APPEARANCES:

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1                   Los Angeles, California, Thursday, January 26, 2012

2                                   9:30 a.m.

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4                   THE CLERK:   Calling CR 11-841-DSF, *United States of*  
5                   *America vs. Robert Glenn Johns and Jason Knoles.*

6                   MS. CHOU:   Good morning, your Honor.   Vicki Chou on  
7                   behalf of the United States.

8                   MR. McCURRY:   Good morning, your Honor.   Fred McCurry  
9                   representing Robert Johns, present in custody.

10                  MR. MEZA:   Good morning, your Honor.   Mike Meza on  
11                  behalf of Mr. Knoles, who is present in custody.

12                  THE COURT:   Good morning.

13                  I take it you're willing to have me take the pleas  
14                  together?

15                  MR. McCURRY:   That would be fine, your Honor.

16                  MR. MEZA:   Yes.   Thank you.

17                  THE COURT:   Where would the marshals be most  
18                  comfortable having -- all right.   Why don't you all approach the  
19                  lectern then and if Mr. Knoles can go closest to the  
20                  prosecutor's table and Mr. McCurry and his client -- thank you.

21                  Let me ask you, Mr. Johns, is it all right if I take  
22                  both of these pleas together?

23                  THE DEFENDANT (JOHNS):   Yes.

24                  THE COURT:   And, Mr. Knoles, is that all right with  
25                  you as well?

1 THE DEFENDANT (KNOLES): Yes, ma'am.

2 THE COURT: Thank you.

3 The defendants have advised the Court that they want  
4 to enter pleas of guilty pursuant to written plea agreements.  
5 Those agreements will be incorporated and made a part of this  
6 proceeding.

7 Before I accept your pleas of guilty, I must be sure  
8 that you are fully informed of your rights and that you  
9 understand your rights and the nature of this proceeding. I am  
10 going to ask you a series of questions and tell you about  
11 certain rights. If you don't understand one of my questions or  
12 any statement that I make, please tell me, and I will stop and  
13 make it clear for you. Also you may stop me at any time to talk  
14 to your lawyer, so please let me know whenever you want to do  
15 that.

16 I am going to ask questions and then ask each of you  
17 separately to answer. So please wait until I call you by name  
18 to answer the questions.

19 First, Ms. Plato, would you administer the oath.

20 THE CLERK: Yes, your Honor.

21 Please raise your right hand, to the best of your  
22 ability.

23 Do you swear that the answers you are about to give to  
24 this Court in this matter will be the truth, the whole truth,  
25 and nothing but the truth, so help you God?

1 THE DEFENDANT (KNOLES): Yes.

2 THE COURT: That was Mr. Knoles.

3 Mr. Johns, you weren't raising your hand --

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Thank you.

6 Do you understand that you are under oath, and if you  
7 answer any of my questions falsely, your answers may later be  
8 used against you in another prosecution for perjury or making a  
9 stalls statement, Mr. Johns?

10 THE DEFENDANT (JOHNS): Yes.

11 THE COURT: Mr. Knoles?

12 THE DEFENDANT (KNOLES): Yes, ma'am.

13 THE COURT: Do you understand that you have the right  
14 to remain silent and not to answer any of my questions,  
15 Mr. Johns?

16 THE DEFENDANT (JOHNS): Yes.

17 THE COURT: Mr. Knoles?

18 THE DEFENDANT (KNOLES): Yes.

19 THE COURT: Do you give up that right, Mr. Johns?

20 THE DEFENDANT (JOHNS): Yes.

21 THE COURT: Mr. Knoles?

22 THE DEFENDANT (KNOLES): Yes.

23 THE COURT: Counsel join, Mr. McCurry?

24 MR. MCCURRY: Yes.

25 THE COURT: Mr. Meza?

1 MR. MEZA: Yes.

2 THE COURT: What is your true and correct full name,  
3 Mr. Johns?

4 THE DEFENDANT (JOHNS): Robert Glenn Johns.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Jason Gregory Knoles.

7 THE COURT: How old are you, Mr. Jones?

8 THE DEFENDANT (JOHNS): 30.

9 THE COURT: Mr. Knoles?

10 THE DEFENDANT (KNOLES): 45.

11 THE COURT: How many years of school have you  
12 completed, Mr. Johns?

13 THE DEFENDANT (JOHNS): Some college.

14 THE COURT: Mr. Knoles?

15 THE DEFENDANT (KNOLES): GED.

16 THE COURT: Have you been treated recently for any  
17 mental illness or addiction to narcotics of any kind, Mr. Johns?

18 THE DEFENDANT (JOHNS): No.

19 THE COURT: Mr. Knoles?

20 THE DEFENDANT (KNOLES): No.

21 THE COURT: Are you under the influence of any drug,  
22 medication, or alcoholic beverage of any kind, Mr. Johns?

23 THE DEFENDANT (JOHNS): No.

24 THE COURT: Mr. Knoles?

25 THE DEFENDANT (KNOLES): No.

1 THE COURT: Have you had any drugs, medication, or  
2 alcohol within the last three days, Mr. Johns?

3 THE DEFENDANT (JOHNS): No.

4 THE COURT: Mr. Knoles?

5 THE DEFENDANT (KNOLES): No.

6 THE COURT: Do you suffer from any mental condition or  
7 disability that would prevent you from fully understanding the  
8 charges against you or the consequences of your guilty plea,  
9 Mr. Johns?

10 THE DEFENDANT (JOHNS): No.

11 THE COURT: Mr. Knoles?

12 THE DEFENDANT (KNOLES): No, ma'am.

13 THE COURT: Is there any reason we should not go  
14 forward today, Mr. Johns?

15 THE DEFENDANT (JOHNS): No.

16 THE COURT: Mr. Knoles?

17 THE DEFENDANT (KNOLES): No.

18 THE COURT: Have you talked to your client today about  
19 these proceedings, Mr. McCurry?

20 MR. McCURRY: Yes, your Honor.

21 THE COURT: Mr. Meza?

22 MR. MEZA: Yes.

23 THE COURT: Do you have any reason to believe your  
24 client should not go forward with the plea today, Mr. McCurry?

25 MR. McCURRY: No, your Honor.

1 THE COURT: Mr. Meza?

2 MR. MEZA: No.

3 THE COURT: Do you believe that he's in possession of  
4 his faculties and is competent to proceed, Mr. McCurry?

5 MR. McCURRY: Yes.

6 THE COURT: Mr. Meza?

7 MR. MEZA: Yes.

8 THE COURT: Based on the statements of defendants and  
9 their counsel and my observations, I find the defendants are in  
10 full possession of their faculties and are competent to proceed.

11 Have you received a copy of the Indictment? That's  
12 the written statement of the charges against you, Mr. Johns?

13 THE DEFENDANT (JOHNS): I have.

14 THE COURT: Mr. Knoles?

15 THE DEFENDANT (KNOLES): Yes, I have.

16 THE COURT: You have the right to have the Indictment  
17 read to you. Would you like me to read it to you, Mr. Johns?

18 THE DEFENDANT (JOHNS): No.

19 THE COURT: Mr. Knoles?

20 THE DEFENDANT (KNOLES): No, ma'am.

21 THE COURT: Do you give up that right, Mr. Johns?

22 THE DEFENDANT (JOHNS): I do.

23 THE COURT: Mr. Knoles?

24 THE DEFENDANT (KNOLES): Yes.

25 THE COURT: You also have the following constitutional



1 rights that you will be giving up if you plead guilty.

2 You have the right to plead not guilty to any offense  
3 charged against you and to persist in that plea.

4 You have the right to a speedy and public trial.

5 You have the right to a trial by jury. At trial, you  
6 would be presumed to be innocent, and the government would have  
7 to prove your guilt by proving each element of the charge beyond  
8 a reasonable doubt.

9 If both you and the government give up the right to a  
10 jury trial, you have the right to be tried by the Court.

11 You have the right to the assistance of counsel for  
12 your defense, even if you do not enter into a plea agreement.  
13 If you cannot afford counsel, the Court will appoint counsel for  
14 you free of charge to assist you at trial and at every other  
15 stage of the proceedings.

16 You have the right to confront and cross-examine the  
17 witnesses against you; that is, to see and hear all the  
18 witnesses and have them questioned by your attorney.

19 You have the right to have witnesses subpoenaed and  
20 compelled to testify on your behalf.

21 You have the right to testify yourself on your own  
22 behalf.

23 You have the privilege against self-incrimination;  
24 that is, you have the right not to testify or incriminate  
25 yourself in any way. If you went to trial and decided not to

1 testify, that fact could not be used against you. By pleading  
2 guilty, you are giving up that right and you are incriminating  
3 yourself.

4 You have the right to appeal your conviction and your  
5 sentence if you go to trial and you are convicted.

6 Has your attorney advised you of all these rights,  
7 Mr. Johns?

8 THE DEFENDANT (JOHNS): He has.

9 THE COURT: Mr. Knoles?

10 THE DEFENDANT (KNOLES): Yes, ma'am.

11 THE COURT: Do you understand all of them, Mr. Johns?

12 THE DEFENDANT (JOHNS): I do.

13 THE COURT: Mr. Knoles?

14 THE DEFENDANT (KNOLES): I do.

15 THE COURT: Do you have any questions about any of  
16 those rights, Mr. Johns?

17 THE DEFENDANT (JOHNS): None.

18 THE COURT: Mr. Knoles?

19 THE DEFENDANT (KNOLES): No.

20 THE COURT: Do you need any more time to talk to your  
21 lawyer about them, Mr. Johns?

22 THE DEFENDANT (JOHNS): No.

23 THE COURT: Mr. Knoles?

24 THE DEFENDANT (KNOLES): No.

25 THE COURT: Do you understand that if your plea is

1 accepted, you will be incriminating yourself, and you will have  
2 waived or given up your right to a trial and all the other  
3 rights I just described, Mr. Johns?

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes.

7 THE COURT: Do you give up those rights, Mr. Johns?

8 THE DEFENDANT (JOHNS): I do.

9 THE COURT: Mr. Knoles?

10 THE DEFENDANT (KNOLES): I do also.

11 THE COURT: Are you satisfied that each of the waivers  
12 is knowingly, voluntarily, and intelligently made, Mr. McCurry?

13 MR. McCURRY: Yes, your Honor.

14 THE COURT: Mr. Meza?

15 MR. MEZA: Yes.

16 THE COURT: Do you join and concur in each of the  
17 waivers, Mr. McCurry?

18 MR. McCURRY: Yes.

19 THE COURT: Mr. Meza?

20 MR. MEZA: Yes.

21 THE COURT: Gentlemen, you are charged with a  
22 violation of Title 18 United States Code Section 113(a)(3) and  
23 2(a), and that's assault with a dangerous weapon with intent to  
24 do bodily harm. That charge is a felony. And the plea  
25 agreements describe the elements of that charge, and they're

1 slightly different as to the two defendants.

2 The first element has to do with the assault, and that  
3 is that the defendant assaulted someone by intentionally  
4 striking and wounding him, and as to Mr. Johns, that person or  
5 those persons are described as CT and PM, and as to Mr. Knoles,  
6 it's described as PM.

7 And as to the other elements, they are the same for  
8 both; that is, that the defendant did so with the intent to do  
9 bodily harm to the victim or victims and that the defendant used  
10 a dangerous weapon and that the assault took place within the  
11 special maritime and territorial jurisdiction of the  
12 United States.

13 Do you understand the nature of the charge, Mr. Johns?

14 THE DEFENDANT (JOHNS): I do.

15 THE COURT: Mr. Knoles?

16 THE DEFENDANT (KNOLES): I do also.

17 THE COURT: Have you discussed the charge and the  
18 elements of the charge with your lawyer, Mr. Johns?

19 THE DEFENDANT (JOHNS): Yes.

20 THE COURT: Mr. Knoles?

21 THE DEFENDANT (KNOLES): Yes.

22 THE COURT: Do you have any questions about the  
23 charge, Mr. Johns?

24 THE DEFENDANT (JOHNS): I do not.

25 THE COURT: Mr. Knoles?

1 THE DEFENDANT (KNOLES): No.

2 THE COURT: Have you been advised of the maximum  
3 penalty, Mr. Johns?

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes, ma'am.

7 THE COURT: And the penalty is described again in the  
8 plea agreements, and it is the same for both defendants, and  
9 that is that the maximum sentence the Court can impose for that  
10 violation is 10 years imprisonment, a three-year period of  
11 supervised release, a fine of \$250,000 or twice the gross gain  
12 or gross loss resulting from the offense, whichever is greatest,  
13 and a mandatory special assessment of \$100.

14 Ms. Chou, is there any mandatory minimum or any  
15 *Apprendi* issues?

16 MS. CHOU: No, your Honor.

17 THE COURT: Gentlemen, you may be subject to  
18 supervised release, as indicated, after your release from  
19 prison. Have you discussed with your lawyer and do you  
20 understand supervised release, Mr. Johns?

21 THE DEFENDANT (JOHNS): Yes.

22 THE COURT: Mr. Knoles?

23 THE DEFENDANT (KNOLES): Yes.

24 THE COURT: Do you understand if you are sentenced to  
25 serve some time in prison and you are placed on supervised

1 release following imprisonment and you violate one or more of  
2 the conditions of supervised release, you may be returned to  
3 prison for all or part of the term of supervised release for  
4 each violation, Mr. Johns?

5 THE DEFENDANT (JOHNS): Yes.

6 THE COURT: Mr. Knoles?

7 THE DEFENDANT (KNOLES): Yes.

8 THE COURT: Do you understand that if that happens, it  
9 could result in your serving a total term of imprisonment  
10 greater than the statutory maximum, Mr. Johns?

11 THE DEFENDANT (JOHNS): Yes.

12 THE COURT: Mr. Knoles?

13 THE DEFENDANT (KNOLES): Yes.

14 THE COURT: Do you understand that if you're presently  
15 on parole, probation, or supervised release, this plea alone may  
16 be the basis for revocation of that parole, probation, or  
17 supervised release, and as a result, you may be returned to  
18 prison on that other case, Mr. Johns?

19 THE DEFENDANT (JOHNS): Yes.

20 THE COURT: Mr. Knoles?

21 THE DEFENDANT (KNOLES): Yes.

22 THE COURT: Do you understand that if you're not a  
23 citizen of the United States, this plea and conviction may cause  
24 you to be deported or removed from the United States and may  
25 result in denial of naturalization or citizenship, amnesty,

1 residency status, and admission to the United States in the  
2 future, Mr. Johns?

3 THE DEFENDANT (JOHNS): Yeah.

4 THE COURT: Mr. Knoles?

5 THE DEFENDANT (KNOLES): Yes.

6 THE COURT: Gentlemen, you're pleading to a felony  
7 offense. If your plea is accepted, I will find you guilty.  
8 That may deprive you of valuable civil rights such as the right  
9 to vote, the right to hold public office, the right to serve on  
10 a jury, and the right to possess a firearm of any kind. Do you  
11 understand that, Mr. Johns?

12 THE DEFENDANT (JOHNS): I do.

13 THE COURT: Mr. Knoles?

14 THE DEFENDANT (KNOLES): Yes.

15 THE COURT: Do you understand that any federal  
16 sentence imposed cannot run currently with any state sentence  
17 that has not been imposed at the time of your sentencing on the  
18 federal crime, Mr. Johns?

19 THE DEFENDANT (JOHNS): Yes.

20 THE COURT: Mr. Knoles?

21 THE DEFENDANT (KNOLES): Yes.

22 THE COURT: And the Court will order you to pay  
23 restitution to any victim of the offense, and the amount of  
24 restitution is not limited to the amounts alleged in the counts  
25 to which you're pleading guilty and will include losses arising

1 from the counts dismissed pursuant to the agreement, as well as  
2 all relevant conduct in connection with those counts. Do you  
3 understand that, Mr. Johns?

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes.

7 THE COURT: Do you understand the possible  
8 consequences of your plea, including the maximum sentence you  
9 can receive and the other terms I described, Mr. Johns?

10 THE DEFENDANT (JOHNS): I do.

11 THE COURT: Mr. Knoles?

12 THE DEFENDANT (KNOLES): Yes.

13 THE COURT: Do you understand that parole has been  
14 abolished, and if you're sent to prison, you will not be  
15 released on parole, Mr. Johns?

16 THE DEFENDANT (JOHNS): Yes.

17 THE COURT: Mr. Knoles?

18 THE DEFENDANT (KNOLES): Yes.

19 THE COURT: Do you have any questions regarding the  
20 potential sentence that you may receive if the Court accepts  
21 your plea of guilty, Mr. Johns?

22 THE DEFENDANT (JOHNS): No.

23 THE COURT: Mr. Knoles?

24 THE DEFENDANT (KNOLES): No.

25 THE COURT: Have you discussed the possible



1 punishment, the facts of your case, and the possible defenses  
2 with your lawyer, Mr. Johns?

3 THE DEFENDANT (JOHNS): Yes.

4 THE COURT: Mr. Knoles?

5 THE DEFENDANT (KNOLES): I have.

6 THE COURT: Have you understood everything that has  
7 been said so far, Mr. Johns?

8 THE DEFENDANT (JOHNS): Yes.

9 THE COURT: Mr. Knoles?

10 THE DEFENDANT (KNOLES): Yes.

11 THE COURT: Is there any reason I should not continue  
12 with these proceedings and take your plea today, Mr. Johns?

13 THE DEFENDANT (JOHNS): No.

14 THE COURT: Mr. Knoles?

15 THE DEFENDANT (KNOLES): No.

16 THE COURT: Gentlemen, you will be sentenced under the  
17 Sentencing Reform Act of 1984. The United States Sentencing  
18 Commission has issued guidelines the judge must consult and take  
19 into account, but are not required to follow, in determining the  
20 sentence in criminal cases. In determining your sentence, the  
21 Court is required to calculate the applicable sentencing  
22 guidelines range and to consider that range, possible departures  
23 under the sentencing guidelines, and other sentencing factors  
24 under 18 United States Code Section 3553(a).

25 Have you and your lawyer talked about how the

1 sentencing guidelines might be applied in your case, Mr. Johns?

2 THE DEFENDANT (JOHNS): Yes.

3 THE COURT: Mr. Knoles?

4 THE DEFENDANT (KNOLES): Yes.

5 THE COURT: Do you understand that regardless of the  
6 guidelines range, I may sentence you to prison for up to the  
7 maximum time allowed by law, Mr. Johns?

8 THE DEFENDANT (JOHNS): I do.

9 THE COURT: Mr. Knoles?

10 THE DEFENDANT (KNOLES): Yes, ma'am.

11 THE COURT: Has your lawyer explained how the various  
12 elements and factors will be used to determine your sentence,  
13 Mr. Johns?

14 THE DEFENDANT (JOHNS): Yes.

15 THE COURT: Mr. Knoles?

16 THE DEFENDANT (KNOLES): Yes.

17 THE COURT: Do you understand that neither the Court  
18 nor your lawyer will be able to determine the guidelines range  
19 for your case until after the presentence report has been  
20 prepared, Mr. Johns?

21 THE DEFENDANT (JOHNS): Yes.

22 THE COURT: Mr. Knoles?

23 THE DEFENDANT (KNOLES): Yes.

24 THE COURT: Do you understand that you and the  
25 government will have an opportunity to review the report and

1 challenge the reported facts and the guidelines range  
2 calculation and to suggest that the Court consider other  
3 factors, Mr. Johns?

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes.

7 THE COURT: Do you understand that the sentence  
8 imposed may be different from any estimate your lawyer may have  
9 given you, Mr. Johns?

10 THE DEFENDANT (JOHNS): Yes.

11 THE COURT: Mr. Knoles?

12 THE DEFENDANT (KNOLES): Yes.

13 THE COURT: Do you also understand that after your  
14 guidelines range has been calculated, the Court can impose a  
15 sentence that is more severe or less severe than the sentence  
16 called for in the guidelines, Mr. Johns?

17 THE DEFENDANT (JOHNS): Yes.

18 THE COURT: Mr. Knoles?

19 THE DEFENDANT (KNOLES): Yes.

20 THE COURT: Do you understand that neither this  
21 uncertainty nor the disappointment you may feel over the  
22 guidelines range for your case nor the Court's eventual sentence  
23 would be a basis to withdraw your guilty plea, Mr. Johns?

24 THE DEFENDANT (JOHNS): Yes.

25 THE COURT: Mr. Knoles?

1 THE DEFENDANT (KNOLES): Yes.

2 THE COURT: Did you read the plea agreement and  
3 discuss it with your lawyer before you signed it, Mr. Johns?

4 THE DEFENDANT (JOHNS): I did.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes.

7 THE COURT: Is that your signature on the agreement,  
8 Mr. Johns?

9 THE DEFENDANT (JOHNS): Yes.

10 THE COURT: Mr. Knoles?

11 THE DEFENDANT (KNOLES): Yes.

12 THE COURT: Do you understand the terms of the  
13 agreement, Mr. Johns?

14 THE DEFENDANT (JOHNS): I do.

15 THE COURT: Mr. Knoles?

16 THE DEFENDANT (KNOLES): I do also.

17 THE COURT: Do you want any more time to discuss it  
18 with your lawyer, Mr. Johns?

19 THE DEFENDANT (JOHNS): No. I'm okay.

20 THE COURT: Mr. Knoles?

21 THE DEFENDANT (KNOLES): No.

22 THE COURT: Do you understand that the Court is not a  
23 party to the agreement and is not bound by its terms, Mr. Johns?

24 THE DEFENDANT (JOHNS): Yes.

25 THE COURT: Mr. Knoles?

1 THE DEFENDANT (KNOLES): Yes.

2 THE COURT: Are the terms of the agreement the entire  
3 understanding that you have with the government, Mr. Johns?

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes.

7 THE COURT: Has anyone made any promises,  
8 representations or guarantees of any kind to you in an effort to  
9 get you to plead guilty in this case, other than what's  
10 contained in the written plea agreement, Mr. Johns?

11 THE DEFENDANT (JOHNS): No.

12 THE COURT: Mr. Knoles?

13 THE DEFENDANT (KNOLES): No.

14 THE COURT: Other than what's contained in the written  
15 plea agreement and other than a general discussion of the  
16 guidelines with your lawyer, has anyone made you any promises of  
17 leniency, a particular sentence, probation, or any other  
18 inducement of any kind to get you to plead guilty, Mr. Johns?

19 THE DEFENDANT (JOHNS): No.

20 THE COURT: Mr. Knoles?

21 THE DEFENDANT (KNOLES): No.

22 THE COURT: Has anyone told you the Court will impose  
23 any specific sentence in the event your plea of guilty is  
24 accepted, Mr. Johns?

25 THE DEFENDANT (JOHNS): No.

1 THE COURT: Mr. Knoles?

2 THE DEFENDANT (KNOLES): No.

3 THE COURT: Has anyone attempted in any way to  
4 threaten you, a family member, or anyone close to you or to  
5 force you to plead guilty in this case, Mr. Johns?

6 THE DEFENDANT (JOHNS): No.

7 THE COURT: Mr. Knoles?

8 THE DEFENDANT (KNOLES): No.

9 THE COURT: Are you pleading guilty voluntarily and of  
10 your own free will, Mr. Johns?

11 THE DEFENDANT (JOHNS): Yes.

12 THE COURT: Mr. Knoles?

13 THE DEFENDANT (KNOLES): Yes, I am.

14 THE COURT: As part of the plea agreement, the  
15 government has agreed to make certain recommendations concerning  
16 your sentence or the offense level to be used in determining  
17 your sentence. Do you understand that these terms of the plea  
18 agreement are merely recommendations to the Court and that the  
19 Court can reject the recommendations and impose a sentence that  
20 is more severe than you may expect without allowing you to  
21 withdraw your plea, Mr. Johns?

22 THE DEFENDANT (JOHNS): Yes.

23 THE COURT: Mr. Knoles?

24 THE DEFENDANT (KNOLES): Yes.

25 THE COURT: Do you understand that by entering into

1 this plea agreement and entering a plea of guilty, you will have  
2 given up or limited your right to appeal or collaterally attack  
3 all or part of the sentence, Mr. Johns?

4 THE DEFENDANT (JOHNS): Yes.

5 THE COURT: Mr. Knoles?

6 THE DEFENDANT (KNOLES): Yes.

7 THE COURT: The plea agreements both contain what's  
8 referred to as a Waiver of Appeal of Conviction, and that waiver  
9 states that the defendant understands that with the exception of  
10 an appeal based on a claim that defendant's guilty plea was  
11 involuntary, by pleading guilty, defendant is waiving and giving  
12 up any right to appeal defendant's conviction on the offense to  
13 which the defendant is pleading guilty.

14 With regard to the sentence, there is also what is  
15 called a Limited Mutual Waiver of Appeal of Sentence, and that  
16 provision provides that the defendant agrees that provided the  
17 Court imposes a total term of imprisonment on all counts of  
18 conviction of no more than 120 months, which is the statutory  
19 maximum, the defendant gives up the right to appeal all of the  
20 following:

21 And that's the procedures and calculations used to  
22 determine and impose any portion of the sentence;

23 The term of imprisonment imposed by the Court;

24 The fine imposed by the Court, provided it's within  
25 the statutory maximum;

1           The term of probation or supervised release imposed by  
2 the Court, provided it's within the statutory maximum;

3           And any of the described conditions of probation or  
4 supervised release imposed by the Court, and that is the  
5 standard conditions that are in the Court's general orders, the  
6 drug testing conditions mandated by law, and also the alcohol  
7 and drug use conditions authorized by law.

8           Did you discuss giving up these rights with your  
9 lawyer, Mr. Johns?

10           THE DEFENDANT (JOHNS): Yes.

11           THE COURT: Mr. Knoles?

12           THE DEFENDANT (KNOLES): Yes.

13           THE COURT: And based on that discussion and having  
14 considered the issue, do you agree that you're giving up these  
15 rights on the terms and conditions just stated, Mr. Johns?

16           THE DEFENDANT (JOHNS): I do.

17           THE COURT: Mr. Knoles?

18           THE DEFENDANT (KNOLES): Yes.

19           THE COURT: The Court accepts the plea agreement based  
20 on that understanding.

21           The plea agreement indicates it was signed on  
22 January 19 by you and your client. Is that correct,  
23 Mr. McCurry?

24           MR. MCCURRY: Yes, your Honor.

25           THE COURT: And the plea agreement as to Mr. Knoles



1 indicates it was signed on January 20 by you and your client.

2 Is that correct, Mr. Meza?

3 MR. MEZA: Yes.

4 THE COURT: Did your client sign the agreement in your  
5 presence, Mr. McCurry?

6 MR. McCURRY: Yes.

7 THE COURT: Mr. Meza?

8 MR. MEZA: Yes.

9 THE COURT: Did you discuss the contents of the  
10 agreement with him before he signed it, Mr. McCurry?

11 MR. McCURRY: Yes.

12 THE COURT: Mr. Meza?

13 MR. MEZA: Yes.

14 THE COURT: Does the agreement represent the entire  
15 agreement between your client and the government, Mr. McCurry?

16 MR. McCURRY: Yes.

17 THE COURT: Mr. Meza?

18 MR. MEZA: Yes.

19 THE COURT: Did you review the facts of the case and  
20 all of the discovery provided by the government with your  
21 client, Mr. McCurry?

22 MR. McCURRY: Yes, ma'am.

23 THE COURT: Mr. Meza?

24 MR. MEZA: Yes.

25 THE COURT: Did you pursue with your client the

1 potential defenses he might have, Mr. McCurry?

2 MR. McCURRY: Yes.

3 THE COURT: Mr. Meza?

4 MR. MEZA: Yes.

5 THE COURT: Have you advised your client concerning  
6 the legality or admissibility of any statements or confessions  
7 or other evidence the government has against him, Mr. McCurry?

8 MR. McCURRY: Yes.

9 THE COURT: Mr. Meza?

10 MR. MEZA: Yes.

11 THE COURT: To the best of your knowledge, is your  
12 client pleading guilty because of any illegally obtained  
13 evidence in the possession of the government, Mr. McCurry?

14 MR. McCURRY: No, your Honor.

15 THE COURT: Mr. Meza?

16 MR. MEZA: No.

17 THE COURT: Did you and your client agree it was in  
18 his best interests to enter into this plea agreement,  
19 Mr. McCurry?

20 MR. McCURRY: Yes.

21 THE COURT: Mr. Meza?

22 MR. MEZA: Yes.

23 THE COURT: Do you believe your client is entering  
24 into this plea agreement freely and voluntarily with full  
25 knowledge of the charges and the consequences of the plea,

1 Mr. McCurry?

2 MR. McCURRY: Yes.

3 THE COURT: Mr. Meza?

4 MR. MEZA: Yes.

5 THE COURT: Have there been any promises,  
6 representations or guarantees made either to you or your client,  
7 other than what's contained in the written plea agreement,  
8 Mr. McCurry?

9 MR. McCURRY: No, your Honor.

10 THE COURT: Mr. Meza?

11 MR. MEZA: No.

12 THE COURT: Other than what's contained in the written  
13 plea agreement and other than a general discussion of the  
14 guidelines sentencing range and other sentencing considerations,  
15 have you given any indication to your client of what specific  
16 sentence the Court would impose or conveyed to him any promise  
17 of a particular sentence in the event the Court accepts his plea  
18 of guilty, Mr. McCurry?

19 MR. McCURRY: No, your Honor.

20 THE COURT: Mr. Meza?

21 MR. MEZA: No.

22 THE COURT: Do you know of any reason why the Court  
23 should not accept your client's plea, Mr. McCurry?

24 MR. McCURRY: No.

25 THE COURT: Mr. Meza?

1 MR. MEZA: None.

2 THE COURT: Do you join in the waiver of jury trial  
3 and concur in the plea, Mr. McCurry?

4 MR. McCURRY: Yes.

5 THE COURT: Mr. Meza?

6 MR. MEZA: Yes.

7 THE COURT: Ms. Chou, other than what's expressly  
8 contained in the written plea agreement, has the government made  
9 any promises, representations, or guarantees either to the  
10 defendant -- to either defendant or either defense counsel?

11 MS. CHOU: No, your Honor.

12 THE COURT: Does the government waive jury trial?

13 MS. CHOU: Yes, your Honor.

14 THE COURT: Are you satisfied with the representation  
15 your lawyer has provided, Mr. Johns?

16 THE DEFENDANT (JOHNS): Yes.

17 THE COURT: Mr. Knoles?

18 THE DEFENDANT (KNOLES): Yes, ma'am.

19 THE COURT: Have you told your lawyer everything you  
20 know about your case, Mr. Johns?

21 THE DEFENDANT (JOHNS): Yes.

22 THE COURT: Mr. Knoles?

23 THE DEFENDANT (KNOLES): Yes.

24 THE COURT: Do you believe that he's fully considered  
25 any defense you may have to the charge, Mr. Johns?

1 THE DEFENDANT (JOHNS): Yes, I do.

2 THE COURT: Mr. Knoles?

3 THE DEFENDANT (KNOLES): I do.

4 THE COURT: Do you believe he's fully advised you  
5 concerning this matter, Mr. Johns?

6 THE DEFENDANT (JOHNS): Yes.

7 THE COURT: Mr. Knoles?

8 THE DEFENDANT (KNOLES): Yes.

9 THE COURT: Do you believe you've had enough time to  
10 discuss the matter with him, Mr. Johns?

11 THE DEFENDANT (JOHNS): Yes.

12 THE COURT: Mr. Knoles?

13 THE DEFENDANT (KNOLES): Yes.

14 THE COURT: Did your lawyer or anyone else tell you  
15 how you should answer any of the questions that I asked you  
16 today, Mr. Johns?

17 THE DEFENDANT (JOHNS): No.

18 THE COURT: Mr. Knoles?

19 THE DEFENDANT (KNOLES): No.

20 THE COURT: Do you believe you understand everything  
21 that happened here today and everything that was said by the  
22 Court and by the lawyers, Mr. Johns?

23 THE DEFENDANT (JOHNS): I do.

24 THE COURT: Mr. Knoles?

25 THE DEFENDANT (KNOLES): I do.

1 THE COURT: Do you believe you understand the  
2 consequences to you of this plea, Mr. Johns?

3 THE DEFENDANT (JOHNS): Yes.

4 THE COURT: Mr. Knoles?

5 THE DEFENDANT (KNOLES): Yes.

6 THE COURT: Do you believe you're competent to make  
7 the decision to plead guilty, Mr. Johns?

8 THE DEFENDANT (JOHNS): I do.

9 THE COURT: Mr. Knoles?

10 THE DEFENDANT (KNOLES): Yes.

11 THE COURT: Do you know of any reason why the Court  
12 should not accept your plea of guilty, Mr. Johns?

13 THE DEFENDANT (JOHNS): Do not.

14 THE COURT: Mr. Knoles?

15 THE DEFENDANT (KNOLES): None.

16 THE COURT: Do you understand then that all that is  
17 left in your case, if I accept your plea of guilty, is the  
18 imposition of sentence, which may include imprisonment,  
19 Mr. Johns?

20 THE DEFENDANT (JOHNS): Yes, ma'am.

21 THE COURT: Mr. Knoles?

22 THE DEFENDANT (KNOLES): Yes.

23 THE COURT: Having in mind all that we have discussed  
24 regarding your plea of guilty, the rights that you'll be giving  
25 up, and the maximum sentence you may receive, do you still want

1 to plead guilty, Mr. Johns?

2 THE DEFENDANT (JOHNS): I do.

3 THE COURT: Mr. Knoles?

4 THE DEFENDANT (KNOLES): Yes.

5 THE COURT: Please listen carefully, gentlemen,  
6 because I am going to state the facts the government contends it  
7 would be prepared to prove at trial, and then I am going to ask  
8 you some questions about that factual statement. They are  
9 slightly different, so I am going to read them separately, even  
10 though there is a lot of similarities.

11 Mr. Johns, now we will focus on what is contained in  
12 the plea agreement at Paragraph 10 as to you. And that is on or  
13 about July 28, 2011, in San Bernardino County within the Central  
14 District of California and within the special maritime and  
15 territorial jurisdiction of the United States, namely, the  
16 United States Penitentiary at Victorville, California, you and  
17 another inmate, each aiding and abetting the other,  
18 intentionally struck and wounded victims whose initials are PM  
19 and CT with dangerous weapons, namely, homemade knives, with the  
20 intent to do bodily harm to the victims. Specifically, you  
21 struck and wounded PM and CT separately, each with a homemade  
22 knife, with the intent to cause each of them bodily harm.

23 Also you aided and abetted the other inmate in an  
24 assault on PM knowing and intending to aid and causing bodily  
25 harm to PM with the use of a dangerous weapon.

1 Both PM and CT sustained permanent or life-threatening  
2 bodily injury from the multiple stab wounds inflicted on them.

3 Mr. Knoles, with regard your case, again, in Paragraph  
4 10, it alleges that the government would be prepared to prove on  
5 or about July 28, 2011, in San Bernardino County, again, the  
6 Central District of California and the special maritime and  
7 territorial jurisdiction of the United States, which is the  
8 Penitentiary at Victorville, California, you and another inmate,  
9 each aiding and abetting the other, intentionally struck and  
10 wounded victims PM and CT with dangerous weapons, namely,  
11 homemade knives, with the intent to do bodily harm to the  
12 victims, and you struck and wounded PM with a homemade knife  
13 with the intent to do him bodily harm, and you also aided and  
14 abetted the other inmate on assaults on PM and CT, knowing and  
15 intending to aid in causing bodily harm to PM and CT, with use  
16 of a dangerous weapon, and both PM and CT sustained permanent or  
17 life-threatening bodily injury from the multiple stab wounds  
18 inflicted on them.

19 Gentlemen, do you understand what I just stated from  
20 the plea agreement with regard to each of you, Mr. Johns?

21 THE DEFENDANT (JOHNS): I do.

22 THE COURT: Mr. Knoles?

23 THE DEFENDANT (KNOLES): Yes, ma'am.

24 THE COURT: And is everything that's contained in that  
25 factual statement in the plea agreement about you and your



1 conduct and intent true and correct, Mr. Johns?

2 THE DEFENDANT (JOHNS): It is.

3 THE COURT: Mr. Knoles?

4 THE DEFENDANT (KNOLES): Yes, ma'am.

5 THE COURT: Are you pleading guilty because you did  
6 the things charged in Count 2 of the Indictment, Mr. Johns?

7 THE DEFENDANT (JOHNS): Yes.

8 THE COURT: Mr. Knoles?

9 THE DEFENDANT (KNOLES): Yes.

10 THE COURT: Are you pleading guilty because you are  
11 guilty, Mr. Johns?

12 THE DEFENDANT (JOHNS): Yes.

13 THE COURT: Mr. Knoles?

14 THE DEFENDANT (KNOLES): Yes.

15 THE COURT: In your own words, Mr. Johns, would you  
16 tell me briefly what you did, please.

17 THE DEFENDANT (JOHNS): I admit to the factual basis  
18 of this.

19 THE COURT: Okay. I would like you to tell me what  
20 you did. I want to make sure, before I send you to prison, that  
21 I am confident that you committed a crime.

22 THE DEFENDANT (JOHNS): I assaulted two inmates.

23 THE COURT: Did you intend at the time you did that to  
24 do them bodily harm?

25 THE DEFENDANT (JOHNS): I wasn't thinking about that.

1 THE COURT: Which is why I asked.

2 Mr. McCurry, do you want to talk to your client?

3 MR. McCURRY: Okay.

4 THE DEFENDANT (JOHNS): Yes, I did.

5 THE COURT: Okay. It's not --

6 THE DEFENDANT (JOHNS): Yes. I had intent, yes.

7 THE COURT: So you were just misstating before?

8 THE DEFENDANT (JOHNS): Correct.

9 THE COURT: And did you use those -- the homemade  
10 knives that are referred to here?

11 THE DEFENDANT (JOHNS): Yes, I did.

12 THE COURT: And did you also assist or aid and abet  
13 another inmate at the time?

14 THE DEFENDANT (JOHNS): Correct.

15 THE COURT: And do you agree that those two victims  
16 sustained permanent or life-threatening bodily injury?

17 THE DEFENDANT (JOHNS): Yes.

18 THE COURT: Mr. Knoles, would you tell me briefly what  
19 you did.

20 THE DEFENDANT (KNOLES): Myself and another assaulted  
21 an inmate at USP Victorville, California.

22 THE COURT: There are two victims referred to here.  
23 Were there two people that you were involved in assaulting?

24 THE DEFENDANT (KNOLES): Yes, ma'am.

25 THE COURT: Did you intend to do those people bodily

1 harm?

2 THE DEFENDANT (KNOLES): Yes, I did.

3 THE COURT: Did you use homemade knives when you did  
4 that?

5 THE DEFENDANT (KNOLES): Yes, I did.

6 THE COURT: Do you agree that those people suffered  
7 life-threatening or permanent bodily injuries?

8 THE DEFENDANT (KNOLES): Yes.

9 THE COURT: Is the government satisfied with the  
10 factual basis?

11 MS. CHOU: Yes, your Honor. Thank you.

12 THE COURT: Do counsel agree the Court has complied  
13 with the requirements of Rule 11, Ms. Chou?

14 MS. CHOU: Yes, your Honor.

15 THE COURT: Mr. McCurry?

16 MR. MCCURRY: Yes, your Honor.

17 THE COURT: Mr. Meza?

18 MR. MEZA: Yes.

19 THE COURT: In Case No. CR 11-841, how do you plead to  
20 Count 2, Mr. Johns?

21 THE DEFENDANT (JOHNS): Guilty.

22 THE COURT: How do you plead to Count 2, Mr. Knoles?

23 THE DEFENDANT (KNOLES): Guilty.

24 THE COURT: I am going to make certain findings. If  
25 you don't understand what I say or if you disagree with what I

1 say or if you want to talk to your lawyer, please interrupt me  
2 right away or ask your lawyer to interrupt me.

3 In the case of the United States vs. Johns and Knoles,  
4 the Court having questioned the defendants and their counsel on  
5 the offer of their pleas of guilty to Count 2 of the Indictment,  
6 a felony, the defendants and their counsel having advised the  
7 Court that they have conferred concerning the offered pleas of  
8 guilty and all aspects of the charge against the defendants and  
9 any defenses they may have, and the Court having observed  
10 defendants' intelligence, demeanor, and attitude while answering  
11 questions, and the Court having observed that the defendants do  
12 not appear to be under the influence of any medicine, drug or  
13 other substance or factor that might affect their actions or  
14 judgment in any manner, the Court finds that the defendants are  
15 fully competent and capable of entering an informed plea and  
16 that the defendants are aware of the nature of the charges and  
17 the consequences of the plea.

18 The Court further finds that the plea of guilty as to  
19 each is knowingly, voluntarily, and intelligently made with a  
20 full understanding of the nature of the charges, the  
21 consequences of the pleas, and defendants' constitutional  
22 rights.

23 The Court further finds the pleas are supported by an  
24 independent factual basis containing each of the essential  
25 elements of the offense.

1           The Court, therefore, accepts the pleas and orders  
2     that the pleas be entered.

3           Written presentence reports will be prepared by the  
4     probation office. You will be asked to provide information for  
5     that report. Your lawyers may be present, if you wish. And you  
6     will be able to read the reports and file objections before the  
7     sentencing hearing. You will be able to speak on your behalf at  
8     the hearing.

9           The defendants are referred to the probation office  
10    for a presentence report.

11           And, Ms. Plato, have you come up with a date for us?

12           THE CLERK: Yes, your Honor. We came up with  
13    July 11th at 2:30 p.m.

14           THE COURT: Does that work for everyone?

15           MR. MEZA: Yes.

16           MR. McCURRY: Yes.

17           MS. CHOU: Yes, your Honor.

18           THE COURT: All right. The date for sentencing is  
19    July 11 at 2:30 p.m.

20           You are ordered to appear on that date and time  
21    without any further notice or order of court. All dates, other  
22    than the sentencing date, are vacated, all material witnesses  
23    are released.

24           And, Ms. Chou, you'll prepare the sentencing order.  
25    If you don't know what I'm talking about, check with

1 Mr. Cardona.

2 That should give everybody plenty of time so I  
3 wouldn't expect to have a request for continuance unless there's  
4 some specific reason for that that I can't think of offhand  
5 right now.

6 Is there anything more I can do for you today?

7 MR. McCURRY: I do have one issue on behalf Mr. Johns,  
8 your Honor, if I may take a moment.

9 THE COURT: Sure.

10 MR. McCURRY: Currently there's a separation order in  
11 place between Mr. Johns and Mr. Knoles. Now, it's almost a moot  
12 point since Mr. Johns is at MDC and Mr. Knoles is at  
13 San Bernardino. However, with the separation order in place,  
14 that does affect Mr. Johns status at MDC for him to be able to  
15 work his way out of the High Security Section on 8 North down  
16 into the general population.

17 I would ask if the Court would consider an order or  
18 recommendation to the Marshal Service that that separation be  
19 lifted.

20 THE COURT: Well, I think the approach for you to take  
21 is to call Ty Fitzpatrick and check with him and find out how to  
22 go about doing that, if it can be done. It sounds logical to  
23 me, but I'm not in charge of the prison. I'm in charge of the  
24 courtroom.

25 So if there's some explanation that you don't think is

1 right or you want to make some kind of specific showing that  
2 suggests that they're not handling things appropriately or in  
3 accordance with prison procedures, then I'll certainly consider  
4 that, but otherwise I think the first approach should be to talk  
5 to the Marshal Service.

6 MR. McCURRY: But the Court would be willing, after I  
7 do that, if necessary, to consider a written request?

8 THE COURT: Well, certainly I'll consider anything you  
9 submit. It should say more than Mr. Johns thinks he ought to  
10 not have this rule. There should be some description of why  
11 that's a problem for Mr. Johns and why it's not justified under  
12 the circumstances.

13 All right?

14 MR. McCURRY: Yes.

15 THE COURT: Anything else? Thank you.

16

17 (Proceedings adjourned at 10:04 a.m.)

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## 1 CERTIFICATE OF OFFICIAL REPORTER

2  
3 COUNTY OF LOS ANGELES )  
4 STATE OF CALIFORNIA )

5  
6  
7 I, Pamela A. Batalo, Federal Official Realtime Court  
8 Reporter, Registered Professional Reporter, in and for the  
9 United States District Court for the Central District of  
10 California, do hereby certify that pursuant to Section 753,  
11 Title 18, United States Code, that the foregoing is a true and  
12 correct transcript of the stenographically reported proceedings  
13 held in the above-entitled matter and that the transcript page  
14 format is in conformance with the regulations of the Judicial  
15 Conference of the United States.

16  
17 Date: December 12, 2012  
18  
19

20 /s/ Pamela A. Batalo  
21 Pamela A. Batalo, CSR No. 3593, FCRR, RMR  
22 Federal Official Court Reporter  
23  
24  
25